



# COMMONWEALTH of VIRGINIA

Richard A. Sparks, Jr., **Chairman**  
Kim S. Downing, **Vice Chairman**  
Courtney A. Penn, **Secretary**  
Aida L. Pacheco  
Patricia Puritz  
James S. Turpin  
Julia C. Winslett

P. O. Box 1110  
Richmond, Virginia 23218  
(804) 371-0704

## *Board of Juvenile Justice*

**Beaumont Juvenile Correctional Center  
Beaumont, Virginia  
Board of Juvenile Justice Meeting  
November 12, 2003**

**Present:** Kim Downing  
Aida Pacheco  
Patricia Puritz  
Courtney Penn  
Richard Sparks  
James Turpin  
Julia Winslett

### **I. CALL TO ORDER**

The meeting was called to order at 10:50 a.m. by Secretary Sparks.

### **II. APPROVAL OF AGENDA**

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, the Board approved the Agenda for the November 12, 2003, meeting. Motion carried.

### **III. INTRODUCTIONS**

Mr. Murray introduced the new Superintendent of Beaumont Pat Edge. Ms. Edge then introduced her staff and welcomed the Board members. Mr. Jones introduced Bruce Twyman, the Department's new Public Relations and Development Coordinator, and Barbara Jones who will be the Director's new secretary. Ms. Miller introduced the detention superintendents who were in attendance – Joanne Smith, Merrimac; Tim Smith, Shenandoah Valley; Curt Harstad, Prince William; Pat Carrington, James River; Carmen Bria, Culpeper, and Sam Taylor, Tidewater.

### **IV. APPROVAL OF MINUTES**

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, the Board approved the Minutes for the September 5, 2003, meeting. Motion carried.

## **V. COMMENTS OF PUBLIC**

### **A. Minimum Standards for Research Involving Human Subjects or Records of the Department (6 VAC 35-170)**

Mr. Pullen said DJJ is required by law to have policies and procedures regarding human research and review of internal research. These standards are those that will be used to abide by and initial policies will be developed to meet these standards so that researchers or anyone else who wants to conduct a review, survey, or interview of our youths in any of our programs will have to follow certain procedures and policies that the Human Research and Review Committee will present for approval. The Board will be apprised annually of any research and review requests that have been approved.

### **B. Regulations for Approving Juvenile Residential Facilities and for State Reimbursement of Local Juvenile Residential Facility Costs (6 VAC 35-30)**

Mr. Pullen presented the new edition of the State Reimbursement for Local Juvenile Residential Facility Costs. These standards set out the regulations to be followed by localities to receive State reimbursement for residential programs – detention homes, group homes, etc. At the present time there is a moratorium on detention construction because of the over-building of detention homes. We have a couple of group homes and localities or commissions that are considering that particular exception because of the condition of their facilities and also because they have been impacted by cutbacks in VJCCCA funding. This is just basically a new addition of what has been in place since 1994.

Mr. Tim Smith questioned the requirement to request permission to make renovations in areas that would result in no cost to the State. He also questioned the mention of a fee that would be charged. Mr. Pullen said that the intent of the regulations was to address all areas of design and construction so there would be no problems later on when the certification teams made their evaluations. The intent for the fee is to be paid by the Department of Planning and Budget (DPB) and not the locality. Mr. Smith requested a clarification of that point. Mr. Sparks asked if the locality would then be liable to pay the fee if DPB did not. Mr. Pullen said he does not feel it is fair for the Department to impose the fee on localities because DJJ does not fully reimburse localities.

After further discussion regarding review of renovations or changes, Mr. Carignan said he would work with Mr. Smith and the other detention superintendents on the language to clarify the regulations. Ms. Joanne Smith said the superintendents would meet the first week of December and would welcome Mr. Carignan.

## **VI. OLD BUSINESS**

### **A. Pepper Spray**

Mr. Howard discussed the history of the request for use of pepper spray by Shenandoah and Prince William Detention Homes. He said the spray is not used in any other juvenile facilities. These Homes are requesting the Board to approve the renewal of their use of pepper spray.

Mr. Tim Smith, Superintendent of Shenandoah Juvenile Detention Home, and Mr. Curt Harstad, Superintendent of Prince William Detention Home, discussed their reasons to support the continued use of pepper spray. They outlined their experiences and reasons to substantiate their need for pepper spray as a deterrent to out-of-control behavior.

Board members asked questions regarding the use, storage, and need for use of pepper spray. Overcrowding of a facility as a mitigating factor in the use of pepper spray was discussed also. Mr. Howard said the National Juvenile Detention Association does not include pepper spray in its protocol or use in juvenile facilities. He also said the Department is working with the Annie E. Casey Foundation and has embraced vigorously the Foundation's philosophy to provide the least restrictive services to youth and manage youth by programs; not necessarily by security and enforcement. Ms. Joanne Smith, Superintendent of Merrimac Center, member of the Middle Peninsula Juvenile Detention Commission, and President of Virginia Council on Juvenile Detention (VCJD), distributed and read a letter VCJD provided as a response to the Board supporting the issuance of variances for use of pepper spray.

On MOTION duly made by Mr. Penn, seconded by Mr. Turpin, to disapprove the variance for the use of pepper spray at the Shenandoah Juvenile Detention Home. Those in favor: Messrs. Penn and Turpin, and Mesdames Puritz and Downing. Those against the motion: Mr. Sparks and Mesdames Winslett and Pacheco. Motion carried.

## **VII. COMMITTEE REPORTS**

### **A. Secure Services Committee**

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to certify the Tidewater Detention Home for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to continue the certification status of Culpeper Juvenile Correctional Center and Culpeper Juvenile Detention Center to January 2004 pending the development of a corrective active plan. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, in accordance with Section 16.1-309.5 of the Code of Virginia, to approve the security enhancement project at the Tidewater Juvenile Detention Home. The total amount for this project is estimated at \$150,646, of which the State share is \$75,323. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, in accordance with Section 16.1-309.5 of the Code of Virginia, to approve the security enhancement project at the James River Juvenile Detention Home. The total amount for this project is \$7,397, of which the State share is \$3,698.50. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

## **B. Non-Secure Services Committee**

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to certify Abraxas House and Stanhope House for three years respectively with a report to the Board in six months on the deficiencies. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to certify the Opportunity House and Salem House for three years and, in the case of Salem House, to issue a letter of congratulations for 99% out of 100% compliance; one item was beyond its control. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to certify the Southside Regional Group Home for three years with a status report to the Board on documentation issues in six months and on programmatic improvements in a year. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to certify SPARC House for three years with a letter of congratulation for 100% compliance. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to grant a variance to the Virginia Wilderness Institute for standard VAC42-10-360 and increase the approved capacity from 32 to 34. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, in accordance with Section 16.1-309.5 of the Code of Virginia, approve the security enhancement project at the Chesterfield Group Home. The total amount for this project is estimated at \$21,680, of which the State share is \$10,840. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Pacheco, to table action on the VJCCCA Maintenance of Effort or Matching Funding until the January meeting. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Mr. Penn, to accept the recommendation for evaluation and utilization of VJCCCA programs as presented and commend the Subcommittee for its hard work. Motion carried.

## **VIII. REGULATIONS**

### **A. Standards for the Virginia Juvenile Justice Information System (6 VAC 35 160)**

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, to approve the final regulation to be sent to the Registrar for publication. Motion carried.

### **B. Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10)**

On MOTION duly made by Ms. Puritz, seconded by Mr. Turpin, to join with other Board's in authorizing staff to send the standards through the Administrative Process Act (APA) process to be revised. Motion carried.

C. Standards for Juvenile Residential Facilities (6 VAC 35-140)

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to approve publication of standards of Juvenile Residential Facilities for public comment. Motion carried.

**IX. DIRECTOR'S COMMENTS**

Mr. Jones said the Department, in collaboration with the Annie E. Casey Foundation, sponsored a two-day conference that brought together a lot of different juvenile justice professionals across Virginia. The Foundation has a project called JDAI (Juvenile Detention Alternatives Initiative). He said Virginia is blessed with a marvelous system and collaboration between state and local partnerships. His personal commitment and as charged by Governor Warner, is to eliminate any inequities in the system wherever they might exist. We want to make sure that only those who must be incarcerated, particularly upon arrest, are incarcerated properly and that we look for alternatives to detention in every step of the way. We are working in four pilot jurisdictions – Richmond, Hampton/Newport News, Hopewell/Petersburg, and Lynchburg. These sites were identified based on numbers. It is a Virginia initiative; it's a Department of Juvenile Justice initiative. It is not a Casey initiative. He said he requested Casey be invited into Virginia. He thanked Ms. Pacheco for actually attending the conference. Her eyes were opened a lot about what is going on in juvenile detention in Virginia. We are very much committed to reforming detention and eliminating the overrepresentation of minorities, which is obviously a national and federal issue. Certain people from every site will attend the national Casey Intersite Conference, December 1-3. The Foundation wants Virginia to take an even larger role in that Conference than we had understood. They were so very impressed with the things they found here compared to other states; particularly on the level of data selection, dissemination, and analysis that we already do, which quite honestly is ahead of the rest of the country. We were able to coordinate and corral people for that meeting, which included a significant number of judges who took time off from the bench to attend. They acknowledged there are issues we need to confront honestly, forthrightly, and resolve in terms of the children we are locking up. It is a work in progress and will go on for months to come. We will keep you updated on what transpires.

Ms. Puritz raised the subject of the timing of appointment of counsel. She said the Casey Foundation is very impressed with Mr. Jones for his vision and leadership, which they haven't seen for a long time. Mr. Jones said that impression was due to the hard work on everyone's part, especially Scott Reiner and Susan Gholston. He said DJJ is very concerned and involved with the notion that the ABA report, which evaluated Virginia last year, did not rate Virginia highly at all regarding access to counsel for children who are charged with criminal offenses. We went through the very difficult process to get the Governor to allow us to convene a work group on that very issue and worked with all the stakeholders. We are also very concerned that the Department takes the appropriate role in the implementation of any right to counsel as it relates to the Governor's agenda. Mr. Jones wanted to make sure that everybody knows the Department is very much involved and supports this effort. We will obviously be asked to do a LAS (Legislative Action Statement), which is the official Governor's Working Paper on the bill. Mr. Jones said the Department will support the bill yet again. The bill may well be fine-tuned and amended as this will be the long session of the General Assembly. He said he would email the LAS out as a report. This year we plan to give you a kind of on-going legislative action by email. Deron Phipps will be more than happy to provide you with information. We're trying to respond to the ABA report fully and implement changes that we can.

**X. COMMENTS OF BOARD**

Ms. Pacheco thanked the Beaumont staff for having the Board as guests. She suggested letters be sent to Beaumont and James River.

Mr. Sparks announced new subcommittee appointments. Secure Committee – Mr. Turpin, Chair; Ms. Winslett, and Ms. Puritz. Non-Secure Committee – Ms. Downing, Chair, Mr. Penn, and Ms. Pacheco.

Mr. Sparks asked that Board members, including him, be mindful of the time the meetings begin.

**XI. LUNCH AND TOURS OF JAMES RIVER DETENTION AND BEAUMONT**

**XII. ADJOURN**

On MOTION duly made by Mr. Penn, seconded by Mr. Turpin, to adjourn the meeting at 1:05 PM. Motion carried.

Respectfully submitted,

Patricia F. Rollston